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U.S. DISTRICT COURT

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DISTRICT OF UTAH

BY: _____
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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL DEAN SHUMWAY,

Defendant.

INFORMATION

Vio. Count 1: 18 U.S.C. § 1341 (Mail Fraud)

Case: 2:16cr00594

Assigned To : Sam, David

Assign. Date : 11/16/2016

Description: USA v. Shumway

The United States Attorney alleges:

I. BACKGROUND

At all times relevant to this Information:

1. Defendant MICHAEL DEAN SHUMWAY ("SHUMWAY") was a resident of Utah County, Utah.
2. Defendant Shumway worked as the Secretary and Treasurer of American Fork Irrigation Company ("AFIC") beginning in and around 1998 and continuing to and around May 2015.
3. Defendant Shumway worked as the Secretary and Treasurer of Lehi Irrigation Company ("Lehi IC") beginning in and around 2007, and continuing to and around May 2015.

II. THE SCHEME AND ARTIFICE TO DEFRAUD

4. Beginning in and around 2004, and continuing to and including May 2015, within the Central Division of the District of Utah and elsewhere,

MICHAEL DEAN SHUMWAY,

defendant herein, devised and intended to devise a scheme to defraud both AFIC and Lehi IC, and to obtain money and property by means of materially false and fraudulent pretenses, representations and promises, and omissions of material facts.

5. In executing and attempting to execute the scheme and artifice to defraud, and in furtherance thereof, defendant SHUMWAY knowingly deposited and caused to be deposited in an authorized depository for mail a matter or thing to be sent and delivered by the United States Postal Service and by any private or commercial interstate carrier, according to the directions thereon, in violation of 18 U.S.C. §1341 (Mail Fraud).

III. OBJECT OF THE SCHEME AND ARTIFICE TO DEFRAUD

6. It was the object of the scheme and artifice to defraud for defendant SHUMWAY to obtain money from AFIC and Lehi IC through false statements, misrepresentations, deception, and omissions of material facts, and thereafter to divert the money for his own uses.

7. As part of his scheme and artifice to defraud, defendant SHUMWAY embezzled approximately \$539,621.78 from AFIC and \$560,860.00 from Lehi IC.

IV. MANNER AND MEANS OF THE SCHEME AND ARTIFICE TO DEFRAUD

8. In execution and furtherance of the scheme and artifice to defraud, defendant SHUMWAY, employed the following manner and means:

AFIC:

9. It was part of the scheme and artifice to defraud that defendant SHUMWAY opened a bank account at Wells Fargo Bank in the name of AFIC with himself as the sole signatory.

10. It was part of the scheme and artifice to defraud that defendant SHUMWAY had the Wells Fargo Bank AFIC statements mailed to his personal accounting business PO Box in American Fork, Utah to avoid detection of his embezzlement.

11. It was part of the scheme and artifice to defraud that defendant SHUMWAY transferred approximately \$444,180.03 from AFIC accounts into this “fake” AFIC Wells Fargo account.

12. It was part of the scheme and artifice to defraud that defendant SHUMWAY illegally and fraudulently sold AFIC water shares in the amount of \$95,500 and retained the money for his own personal benefit without AFIC’s authorization.

Lehi IC

13. It was part of the scheme and artifice to defraud that defendant SHUMWAY took control of a dormant Lehi IC bank account and changed the return address from the correct Lehi IC PO Box to his personal accounting business PO Box.

14. It was part of the scheme and artifice to defraud that defendant SHUMWAY transferred approximately \$220,860 from Lehi IC's money market account to the dormant account he controlled in the name of Lehi IC.

15. It was part of the scheme and artifice to defraud that defendant SHUMWAY had the Lehi IC bank statements mailed to his own PO Box to avoid detection of his embezzlement.

16. It was part of the scheme and artifice to defraud that defendant SHUMWAY illegally and fraudulently sold Lehi IC water shares in the amount of \$340,000 and retained the money for his own personal benefit without Lehi IC's authorization.

Count 1
18 U.S.C. § 1341
(Mail Fraud)

17. All of the allegations and all of the counts set forth in this Information are incorporated herein by reference and realleged as though fully set forth herein.

18. On or about the dates enumerated in each count below, in the Central Division of the District of Utah, and elsewhere,

MICHAEL DEAN SHUMWAY,

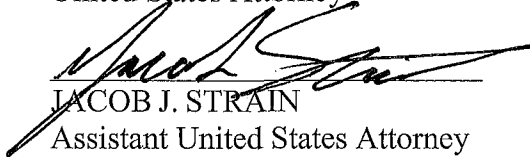
defendant herein, for the purpose of executing and in furtherance of the scheme and artifice to defraud and to obtain money and property from AFIC and Lehi IC by means of materially false and fraudulent pretenses, representations, and promises, and omissions of material facts, and attempting to do so, did knowingly cause to be sent and delivered by the United States Postal Service and any private or commercial interstate carrier, and did cause such matter or thing to be delivered according to the directions thereon as described for each count below:

COUNT	DATE (On or About)	MAILING DESCRIPTION
1.	02/01/2015	Wells Fargo Bank statement for account ending in 5262 in the name of "Michael D. Shumway DBA American Fork Irrigation Co."

All in violation of 18 U.S.C. § 1341.

Dated this 16th day of November 2016.

JOHN W. HUBER
United States Attorney



JACOB J. STRAIN
Assistant United States Attorney